

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM JONES,

Plaintiff,

v.

ANNE L. PRECYTHE, et al.,

Defendants.

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No. 4:19-cv-1227-NAB

MEMORANDUM AND ORDER

This matter is before the Court on the motion of plaintiff William Jones, registration number 1070774, for leave to commence this civil action without prepayment of the filing fee. The motion will be denied, and this case will be dismissed without prejudice to the filing of a fully-paid complaint.

Plaintiff is a prisoner who, while incarcerated, has filed at least three civil actions that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted.¹ The Prison Litigation Reform Act of 1996 provides, in relevant part:

In no event shall a prisoner bring a civil action ... under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action ... in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Therefore, plaintiff may proceed in forma pauperis in this action only if he “is under imminent danger of serious physical injury.” *Id.*

¹ See *Jones v. Medium Security Institute, et al.*, No. 4:07-cv-1183-CEJ (E.D. Mo. Oct. 17, 2007), *Jones v. Weldon, et al.*, No. 4:13-cv-1434-SNLJ (E.D. Mo. Oct. 2, 2013), and *Jones v. Missouri Dep’t. of Corrections*, No. 1:14-cv-62-ACL (E.D. Mo. May 8, 2014).

In the complaint, plaintiff alleges that Anne Precythe failed to investigate grievances he filed regarding incidents that occurred at two different correctional facilities. He states he seeks a declaratory judgment explaining his rights and the duties of the Director of the Missouri Department of Corrections, and he wants the Director removed from her position. He also seeks monetary relief.

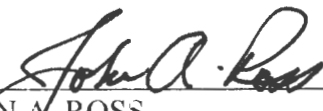
Plaintiff's allegations do not establish that he is under imminent danger of serious physical injury. He therefore may not proceed in forma pauperis in this action. As a result, the Court will deny plaintiff's motion for leave to proceed in forma pauperis, and will dismiss this case without prejudice to the filing of a fully-paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Docket No. 2) is **DENIED**.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice to the filing of a fully-paid complaint. A separate order of dismissal will be entered herewith.

Dated this 15th day of May, 2019.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE